

1 Paul J. Mansdorf, Trustee
1563 Solano Ave. #703
2 Berkeley, CA 94707
(510) 526 5993
3 mansdorftrustee@sbcglobal.net
4
5
6

7 **UNITED STATES BANKRUPTCY COURT, NORTHERN DISTRICT OF CALIFORNIA**
8 **OAKLAND DIVISION**
9

10 In re:

Case No. 08-41603 NM

11 PAUL THOMAS ORWIG

12 Debtor.
13

14 _____/
15 **DECLARATION OF PAUL J. MANSDORF IN SUPPORT OF UNITED STATES**
TRUSTEE'S MOTION TO REOPEN CASE
16 _____

17 I, Paul J. Mansdorf, declare:

18 1) I was the Chapter 7 Trustee in the above captioned case. I filed a Report of No
19 Distribution on or about May 7, 2008.

20 2) On or about November 24, 2010, I heard from a defense firm regarding the case
21 ORWIG, et al, v. SECURICORP, et al., San Francisco Superior Court Case CGC 09492751.
22 The case apparently arises from employment discrimination and related matters, for a wholly pre-
23 petition period.

24 3) The debtor filed his case on April 4, 2008. The initial §341 was held and concluded
25 on May 7, 2008. Nothing in the Schedules and Statement of Financial Affairs indicate that such
26 a proceeding was pending, or was even a possible claim. [See, e.g., Schedule B and Statement of
27 Financial Affairs, Item 4.]

28 4) The debtor also produced a "Bankruptcy Questionnaire to me prior to the §341

1 Meeting. Nothing contained therein, signed under penalty of perjury, indicates debtor had any
2 such proceeding pending or any possible additional property rights. The debtor replied "NO" to
3 the following questions: 11. Do you have claims against anyone that is not listed in the petition
4 and schedules? 12. Have you filed or have reason to file a lawsuit against anyone for any
5 reason? At no time during case pendency did debtor amend his schedules. The case closed on
6 July 8, 2008. At no time since that time did debtor move to reopen the case to schedule the asset
7 for possible administration.

8 5) Further case administration appears to be warranted because a trustee must investigate
9 and evaluate the omitted claim, which may create an asset available for estate distribution.

10 6) As described above, the asset was not scheduled.

11 7) A trustee should be appointed to administer this asset for the benefit of creditors.

12 I declare under penalty of perjury that the foregoing is true and correct and that this
13 declaration was executed on November 29, 2010 at Berkeley, California.

14
15
16 Paul J. Mansdorf

17 Paul J. Mansdorf
18
19
20
21
22
23
24
25
26
27
28